Mr. K. P. Kannan Nayar.—Yes.

Mr. C. Barton Wright.—I beg to submit one word, Sir.

Rama Varmha Tampuran.—Cannot the Government take the position that it is a confidential thing?

Mr. K. P. Kannan Nayar.—Why cannot we discuss it even if it is confidential?

President.—All that has to be said as to the admissibility has been said, I hope.

Mr. E. Ikkanda Wariar.—One word, Sir, in reply. As regards the admissibility, the Hon'ble Secretary to the Diwan said that questions of a confidential nature should not be discussed. I beg to submit that that is the very reason why we should discuss it. The only question for you to consider is whether it is a matter of public importance and whether it is urgent. There is no denying the fact, that the allegations we have made, if true, it is a matter of urgent public importance. We propose by means of this discussion to ascertain whether the Government is carrying on this secret propaganda and whether it will not affect adversely the economic condition of the State. And if this motion is allowed, we will be able to bring to the notice of the Government our view of the matter, how the non-officials of this House and the public think of this matter, and we will also be able to bring to your notice the grave consequence that will follow out of your incapacity to protect the interests of the subjects of the State by yielding to pressure from outside.

President.—The matter proposed to be discussed is in my opinion not in order. It does not, so far as I see, relate to a definite matter of urgent public importance. It is said that certain circulars issued by the Government on certain matters were seen by somebody. On such indefinite vague allegations, the adjournment motion cannot be admitted. I hence disallow the two motions.

The motions were ruled out of order.

Concluding remarks of the President.

President.—Hon'ble Members,

the official business connected with the present Budget Session was brought to a close yester-evening and, now that the question for this day is over, I consider it a fitting opportunity to make a few observations by way of concluding remarks, though the Deputy President it will be who will actually close the Session and prorogue the Council. The non-official business for the day is short, and I think it will be possible to complete the same before the Council rises for lunch. These remarks of mine should not in any way be considered as

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barring the Deputy President from making any remarks he wishes to offer when he prorogues the Council at the close of the day's sitting and, for my part, I would certainly welcome them.

After mentioning a few words about the interpellations dealt with in this Session and the resolutions of the Council still pending disposal, I shall pass on to a consideration of certain dominating features of the present sitting comprising a pretty long period of ten days. As against 393 questions we had to deal with in the budget session of last year, we had only 249 questions for this year, very nearly 150 questions less, and this accounts for the less number of questions answered each day this time. Of the 249 questions received, 186 were answered, leaving 63 unanswered as against 85 unanswered questions of the Budget Session of 1104. But for the fact that 74 questions were received late and that, in regard to most of them, there was not the necessary time to collect materials, very few questions would have been left unanswered. The Diwan's Secretary and his staff, the Legislative Council Secretary and his staff and all the Heads of Departments worked hard to produce this satisfactory result, and I wish to acknowledge their services cheerfully and ungrudgingly rendered. There are only 3 resolutions passed by the Council pending consideration by the Government, and these, I hope, will be disposed of as early as possible.

I now proceed to dwell upon what I consider to be the outstanding characteristics of the deliberations of the present Budget sitting. Some of the Hon'ble Members, conceiving this to be the last Budget Session sitting in which I take part as the Diwan-President, sought to review my administration of the State as Diwan for the last five years, and gave expression to their verdict which was either favourable or adverse. To those who found some good traits in the administration and who made reference to them, I offer my grateful thanks. To those who had occasion to pass scathing criticism, I bear no ill-will or malice (*Hear, hear*) for, as I had occasion to say in my speech on the 3rd of August 1927 "You are not here to applaud the actions of the Government, and you will not be doing your duty to the constituency which has placed trust in you to come here and sing the praises of the Government. (*Hear, hear.*) I am not affected either by praises or censure, by victory or defeat, and we part as members of a common brotherhood". (*Hear, hear.*) There are the facts. Let them speak for themselves. To the criticisms advanced against the General and Departmental Administrations, the official Members gave their version. Neither myself nor the Heads of Departments who are loyally co-operating with me in carrying on the repsonsibilities of the administration claim to be infallible, and

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our respective short-comings are known to us better than to others. The Hon'ble Member who led the general discussion hit the present Diwan hard, so much so that one not acquainted with their mutual relationship would be carried away by the impression that they are in the worst of terms possible, for the personal note in his speech too often blurred his case on the merits. I have no quarrel with him, and I hope our mutual regard and esteem will continue unimpaired. I would not have referred to the speech of any other Member who took part in the general discussion but for the fact that I will be seriously failing in my duty, if I felt unnoticed the communal question dealt with by the second speaker on the general discussion. I consider it extremely unfortunate that this communal aspect should have been emphasised upon at a time when our earnest attempt is to pass from communalism to nationalism. The Hon'ble Member made a pointed reference to the present Brahmin Diwan working for the downfall of the once prosperous Marumakkathayam community and the elevation of his own caste men, his actions and notions not being clearly discernible in the beginning, but becoming transparent as years advanced. This is a most unfortunate apple of discord, and I extremely regret that the Hon'ble Member did a disservice by bringing about a difference between the two communities for which there is hardly any foundation in fact. I was however glad to note that such observations on communal problems were not appreciated by some of the Hon'ble Members who, when their turn came, sounded a different note. I set my face from the very beginning against the reference to and discussion of communal questions in this House, and in my speech in this Council on the 30th of July 1926, I took up the following position :—"As regards discussion of communal questions, so long as I retain this place of honour here as President, I will not allow any discussion to be carried on, concerning communal matters or appointments made on communal considerations." It was my special entreaty to the Hon'ble Members of the House that no reference was made in this Council to the question of appointments on a communal basis. To the Diwan of the State, nothing gives greater anxiety and worry than the question of choosing the right man for the right place, and I do not know whether there will be any sensational topic in the administration of Cochin, if the question of appointments is shelved to the background. The politics of Cochin is, I am sorry to note, to a large extent, centred in the question of conferment of appointments on particular individuals and, as sure as anything, the Diwan cannot but be found fault with for making appointments in a particular manner. It is nothing but truth, pure and simple,

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when I say that there is a rush of applicants when a vacancy arises; one amongst them is chosen with the result that a number of persons goes discontented and the Diwan becomes a maligned officer in their estimation. As regards the one actually appointed, he has no word of thanks to the Diwan, and he thinks it is his intrinsic merit that secured the place for him, and he is in no way indebted to the Diwan.

Though I ruled that communal discussions would be eschewed from the Council, I have found it difficult to carry the same in practice, and I am of the sincere opinion that, so long as this Council does not keep the communal question entirely in the back-ground, there is no hope of its ever fulfilling the high and noble functions assigned to it. (*Hear, hear.*)

I now pass on to what I consider to be another important feature of this Budget Session, a notable achievement for the major portion of the non-official Members as they may claim it. What I am hear referring to is the successful wholesale cut of a *good number of demands* in the State budget. In the Budget Session of last year, there was a total cut of the demand on the General Administration carried by the Council, and I then took it that the object of that cut was to open the eyes of the Government to the fact that the wishes of the people as represented by their chosen representatives were being flouted by the Government. (*Hear, hear.*) In my statement on the 9th of August 1929 made on the eve of the close of that session I observed:—"It is said that this wholesale cut was in the nature of a protest cut to make the Government open their eyes that the chosen representatives of the people are not to be treated with indifference and that their wishes are not flouted. This Council was characterised as enacting a farce, as an expensive joke, as serving no useful purpose, etc.," My impression then was that the charge was that many questions were left unanswered, that full and proper answers were not furnished, that the resolutions of the Council were not given any effect to, etc. I have now been corrected, and it is now said that the real object in adopting the extraordinary procedure of the total cut is in pursuance of a policy of persistent agitation, so long as the demand for the grant of further constitutional powers is left unsatisfied. What these demands are may be given in the words of the Hon'ble Member who moved the total cut motion. They are:—

1. Every Member must be given the right of putting supplementary questions and not alone the Member who put the main question;

2. The Deputy President's place should be thrown open to election by the non-official Members;

3. The Diwan is not to be the President of the Council and the President should be a non-official elected Member;

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4. The Executive must be responsible to the Legislature.

5. An Executive Council consisting of official and non official Members must be brought into existence for carrying on the State Administration;

6. A Government of Cochin Act on the lines of the Government of India Act should be enacted.

I shall not here pause to consider whether motions for the purposes specified above could be allowed to be discussed in the Council. One of the non official Members of the Council pointed out during the discussion of the total cut on the General Administration that matters regarding the extension of the powers of the Legislative Council are barred from being debated in the House, that the present course was entirely unconstitutional and that the Hon'ble non-official Members must feel their responsibility in resorting to such a step. Now that the cut motions in question were discussed and the sense of the Council recorded thereon, I do not propose to consider whether the decision of the Council is *ab initio* void. Assume for the sake of argument that there was no illegality in the course pursued by the Council. What follows? Let us ignore the constitutional aspect and consider the case on the merits. What is the grievance for the redress of which such an undesirable and extreme step was taken by the major portion of the non-official Members of the Council? They want more powers and without the grant of further rights their existence in the Council serves no purpose whatsoever. The non-official Member, who raised the constitutional objection referred to above, pointed out that the only logical position in such a state of things would be one of non-co-operation, and that there was no point in attending the Council and taking part in the discussion during all the eleven days of the Session; in other words, we must get out of the Council and keep out of it altogether. I had occasion to say already that our Council serves a very useful purpose. In my speech on the 9th of August 1929 I said:—"My love for and attachment to this growing institution remain steadfast and intense and that nothing will in the least shake my innate faith in the public utility of this Peoples' Institution." In spite of all that has taken place at the present Budget Session, my attitude remains the same (*Hear, hear*), and I have no doubt that this Council will grow more and more useful as years pass on. (*Hear, hear.*) This Council has been inaugurated under good auspices, and you were given a very important right namely, a non-official majority, I must say, an overwhelming non official majority. Even assuming that the three nominated Members side with the Government (*Hear, hear*), the strength of the non-officials is double that of the Government. It is, therefore, open to the

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non-official Members to effectively combine to defeat the Government in any particular matter. Such an effective combination was demonstrated at the present sitting to throw out a good number of demands in the budget for 1106. Is this not a substantially valuable right? (*Laughter*). I am not now on the question as to whether such a right has been properly exercised. What I wish to point out is that His Highness the Maharaja had no hesitation to confer large powers at the very inception, and it does not appear necessary that further powers should be agitated for in regard to a Ruler who has all along identified himself with the aims and aspirations of his numerous loving subjects. His Highness has already been memorialised by you on the subject of an elected non-official President and the right of all Members to put supplementary questions. Further rights are now demanded by resorting to the means of throwing out the entire budget.

On the question of constitutional development I stated in this Council on the 30th of July 1926 that "constitutional reform is a plant of very slow but steady growth. You cannot expect it to become a fully developed tree in the course of a year or even a decade. It must gradually come up in the natural course of things. I do not really know whether we have justified the powers already conferred on us, I mean, to the extent to which it has pleased his Highness to give us." Our Legislative Council is (I will not say in its infant stage, for such a well-known figurative expression offends the delicate minds of some of the Members) five years and four months old, having been brought into existence in Meenam 1100. It was my privilege to be intimately connected with its active working ever since its inauguration. The initial stages that we are passing through cannot but be a period of trial and, as I said in my speech on the 9th of August 1929 already referred to "We are to try our best to acquit ourselves in such a manner as to deserve all that His Highness was pleased to give us already and what His Highness may be pleased to entrust us with hereafter"

Assuming that a period of ten years is fixed for watching our progress and for deciding the question of the grant of further powers, could there be any reasonable justification for protesting against it? If we examine the History of Constitutional Government in British India, it will be found that under the Indian Councils' Act of 1861, there hardly existed any germ of responsible institution and that, under the Act of 1892, a limited and indirect provision for the use of the method of election in filling up some of the non-official seats was made. Under the Morley-Minto Reforms of 1909, a very considerable advance was made, and then came the memorable Announcement of the 10th of August 1917, namely, "the increasing association of Indians in every branch of the administration and the gradual

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development of self-governing institutions with a view to the progressive realisation of responsible Government in India as an integral part of British India." The Government of India Act of 1919 was the outcome, and it was enacted that pogress in giving effect to the policy above enunciated can only be achieved by successive stages. Under the provisions of the Government of India Act, 1919, at the end of 10 years, a Commission was to enquire and report, in effect, upon the working of the Reformed Constitution, the chief feature of which is the diarchical form of Government, and on what matters changes were desirable. It is observed in some quarters "that ten years is not long enough to see the real effect on administration of the new system; still less is it possible to forecast for the first decade what will happen in the next".

All the facts and circumstances connected with the appointment of the Indian Statutory Commission, their detailed enquiry in the various Provinces of India and the result of their investigation are matters of recent history. What the outcome of the Round Table Conference in London in the first week of November 1930 remains to be seen. When exactly British India is to have a reformed constitution and on what lines it will be modelled, future alone can tell us.

Such being the nature of the progress of constitutional reforms in British India, where responsible Government has not yet been achieved, could we have any justifiable cause for complaint that the people of Cochin have not been granted responsible Government or further constitutional powers within the five years of the inauguration of the Cochin Legislative Council? Have we not to work the Constitution so voluntarily given to us by our Ruler? Should not a reasonable period of successful trial expire before we are clothed with further powers? Should not our benign Ruler have time to see that we proceed on healthy lines and satisfy himself that we can be safely entrusted with more powers? An official in the lower rung of the ladder, say a Tahsildar or Munsiff, would be extremely indiscreet, were he to say to the authority that appointed him as such "The office I hold is not befitting my capacity and powers. Let me be placed in the highest position in the State, namely, the Diwan". How grossly objectionable such a claim would be? He has to work his way step by step, meriting approbation at each stage and, as sure as anything, the highest office will be conferred on him without his own seeking. I must unhesitatingly say as my considered opinion that we have to prove that we are fit for further powers, and such a proof cannot be given within any short period of time. I think I will be erring only on the safe side, if I say that we must wait for ten yers, if not more, for the responsible authorities in taking stock of our

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achievements and for deciding what further powers, if any, we should be entrusted with. If we have no patience to wait, if we betray undue haste, if we resort to steps which have the effect of cutting the ground under our own feet, we will, instead of gaining our end, be marching backwards and making the gulf between the goal and its attainment wider and wider. Let me, therefore, entreat you in all earnestness to give up pursuing a dubious and thorny path which leads us nowhere, retrace our steps and proceed on the straight and fair road which cannot but take us to the attainment of our goal. Indian States cannot afford to keep back when our brethren in British India are given enlarged powers under the Reformed Constitution, and we are entitled in due course to be brought into line with what has been attained in British India.

One word more about the method resorted to for the attainment of the goal of responsible Government or further Constitutional Reforms. The policy pursued at the present session, a policy wider in its scope and stated to have greater effect than that pursued at the Budget Session of last year, namely, throwing out all demands in their entirety and throwing out the Budget as a whole cannot, on careful reflection, be approved. It is in the words of the mover of the total cut "the giving to the Government the maximum constitutional trouble, till a change of heart is seen. It is only by methods like these that other countries have achieved popular control of autocratic Governments. As in India, so everywhere in Cochin, a wave of nationalism and self-determination is spreading, and all people in Cochin expect us to take steps to gain popular control over the administration. To gain this control, exceptional power or certification must be done away with". It is also said that the present is in the nature of an obstructive tactics designed to compel the Government to accede to the popular will. For my part, I do not see any obstruction here. By the power vested in the Council by reason of its overwhelming non-official majority, the legitimate demands of the Government for the requisite sums of money for carrying on the administration are refused. If the Diwan is not invested, as has been rightly done, with the power of certification, how can the administration be carried on? This is a safeguard enacted by the legislature, and the wisdom of such a provision is significantly demonstrated in the case before us. This right of carrying the day conferred on us by our being given the non-official majority is to be exercised only in proper cases and for the attainment of legitimate ends. Throwing out the budget in its entirety is an extraordinary, unusual and ill-considered proceeding. There is no doubt the refusal of the supplies in democratic Governments when the grievances of the people remain unredressed. We have no such Government here and the analogy does not hold good at all. What is the

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substantial achievement by putting into action this power vested in the Council? Positively nil. The extraordinary power of certification will be exercised as against the extraordinary use of the power vested in the non-officials. As the mover of the total cut motion pointed out, instead of such power being resorted to in exceptional cases, they would become the rule, and their effectiveness will totally be lost. I had occasion to read with reference to our Proceedings reported in a well-known daily that "a crisis has arisen in the affairs of the Cochin Council". Those who are not aware of the true situation here are apt to form erroneous impressions of our Council by reason of our pursuing such fruitless endeavours as the throwing out of the entire budget. It is a fact to be noted that the policy was not successfully carried out in its entirety, for the non-official majority was wanting in such demands as Public Works, Education, Medical &c.

When the passions have cooled themselves, when we are able to bestow calm consideration on points referred to above, I have no doubt that we will be convinced that the methods to be adopted for the attainment of our goal should be of an entirely different character. As I pointed out in my speech on the 30th of July 1926, there is no cleavage between the officials and the non-officials. The aim of both is to promote the welfare of the people of Cochin. The officials are the responsible actors in the scene and the non-officials their responsible critics whose object is to point out the existing defects in the administration, to emphasise on the essential needs of the constituency represented by them and see that they are satisfied with as little delay as possible. The official Members will only be too glad to profit by fruitful criticism. From my personal experience, I can vouchsafe to you that this Council has potent influence in making the official Members realise their responsibility, and that I have found considerable improvement in the methods of their work. I have, therefore, unbounded faith in the public utility of this Council, and it is my wish to see it developed in such a manner as to be of greater and greater use to the people. (*hear, hear.*) My interest in the healthy growth of the Council will be constant and enduring. If I get the opportunity of promoting the aims and aspirations of the people in my capacity as a non-official, which I soon will be, nothing will give me greater pleasure (*hear, hear*) than availing myself of the same.

Above all, let not our faith in the benevolent heart of His Highness, our Gracious Maharaja, be in the least shaken. Nothing is dearer to His Highness than the prosperity and well-being of His numerous subjects. In their happiness is His Highness' best reward. Let there be no room, for any

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disappointment. The future is with us. Let us show by our solid work in the Council on right lines that we can safely be entrusted with more powers. Let us all, therefore, feel deeply grateful to His Highness for the free gift of the Constitution with such powers as it contains and earnestly hope that we will be given further powers according to our capacity and merits, powers, which I feel confident, will be willingly conferred on us without our agitating or asking for them.

The Deputy President will now take the chair.

The Deputy President took the Chair.

Cutchi Memon's Succession Bill.

Mr. K. Mohamed Seethi.—I beg to present the report of the Select Committee on the Cutchi Memon's Succession Bill and move that the Bill may be taken into consideration.

Mr. C. A. Kunjunni Raja.—We have not got copies of the Bill.

Mr. K. Mohamed Seethi.—I understand that copies were not circulated.

Mr. C. A. Kunjunni Raja.—Copies were not sent to the Members.

Deputy President.—If the copy is not circulated at least before 7 days before the intended motion it cannot be taken up.

Mr. K. Mohamed Seethi.—I would like to know whether copies were actually sent.

Deputy President.—That is only, if there is objection. It is a non-controversial piece of legislation.

Mr. T. K. Krishna Menon.—Sir, I may just state for the information of the House that, as a rule, these reports, when they are printed, are issued along with the Gazette, or the Council Proceedings or separately by the Superintendent of the Government Press. This report was published in the Gazette on 11th Karkadagam 1105, and no one has put in a complaint up till this date about the non-receipt of copies. That is how it stands.

Mr. C. A. Kunjunni Raja.—Are we to write to the Press?

Mr. T. K. Krishna Menon.—They used to be issued by the Superintendent without being written to by the Members.

Deputy President.—If nobody objects, it can be taken up.

Mr. A. K. Kunhi Moideen.—I second the motion.

Mr. T. K. Krishna Menon.—When matter is sent to the Press, there will always be this endorsement from the Council office—"Forwarded to the Superintendent of Press for favour of publication in the next issue of the Gazette. He is requested to supply a copy each to every Member of the Council, and to send 75 copies to this office. The final proof may be sent to this office". This is always sent; in this particular case also, it was sent.

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